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June 6, 2007

Agenda No. 3

03/27/07

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: LOCAL COASTAL PLAN AMENDMENT NUMBER 200600011-(4)
ZONE CASE NO. T200600013-(4)
FOURTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding proposed amendments to the Land Use Plan and the Marina del Rey Specific Plan elements of the Marina del Rey Local Coastal Program. At the conclusion of the hearing, you instructed us to prepare the final proposed amendments, with revisions, for your consideration and possible indication of intent to approve. Enclosed are the proposed amendments.


Upon your intended approval, the proposed amendments will be forwarded to the California Coastal Commission for its consideration in accordance with the provisions of the California Coastal Act. Upon approval by the Coastal Commission, the amendments will be presented to you a final time for formal adoption.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By 
RICHARD D. WEISS
Assistant County Counsel

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
County Counsel

RDW/

Enclosures

HOA.448173.1

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES
INDICATING AN INTENT TO APPROVE AND SUBMITTING
A PROPOSED MARINA DEL REY LOCAL COASTAL PROGRAM AMENDMENT
TO THE CALIFORNIA COASTAL COMMISSION**

WHEREAS, the County of Los Angeles has prepared an amendment to the certified Local Coastal Program for Marina del Rey which addresses the roles and responsibilities of the Small Craft Harbors Design Control Board and the Regional Planning Commission; and

WHEREAS, the Marina del Rey Local Coastal Program consists of a Land Use Plan and a Local Implementation Program which includes a Specific Plan, a Transportation Improvement Program, and related appendices; and

WHEREAS, the Regional Planning Commission of the County of Los Angeles conducted a public hearing on the proposed Local Coastal Program amendment on November 20, 2006; and

WHEREAS, on November 20, 2006, the Regional Planning Commission recommended that the Board of Supervisors adopt the proposed Local Coastal Program amendment for Marina del Rey and find that the Local Coastal Program amendment was consistent with the Los Angeles County General Plan; and

WHEREAS, the Board, after holding a public hearing on March 27, 2007, finds the proposed Marina del Rey Local Coastal Program amendment consistent with the Los Angeles County General Plan; and

WHEREAS, the Board of Supervisors further finds as follows:

1. The proposed amendment to the Marina del Rey Local Coastal Program ("LCP") consists of revisions to the Marina del Rey Land Use Plan (Plan Amendment No. T2006-00011-(4)) and the Marina del Rey Specific Plan contained in Part 3 of Chapter 22.46 of Title 22 of the Los Angeles County Code (Zone Case No. T2006-00013-(4)), relating to the role of the Design Control Board ("DCB") and the Regional Planning Commission ("RPC").
2. In 1960, the DCB was created to review new developments in the Marina primarily for architectural features and landscaping.
3. The Marina del Rey LCP was originally approved by the Board of Supervisors ("Board") on September 13, 1984, and certified by the California Coastal Commission ("CCC") on October 11, 1984. The Local Implementation Program ("LIP") was adopted in 1990, and includes the Marina del Rey Specific Plan.

4. A major amendment to the LCP was approved by the Board on August 22, 1995, and certified by the CCC on February 8, 1996. The role and authority of the DCB were expanded by this amendment to include not only reviewing projects for visual compatibility with the Marina, but also for reviewing projects for consistency with the LCP. The amendment also required the DCB review to be completed prior to an applicant submitting a project application for a coastal development permit ("CDP") to the Department of Regional Planning ("DRP").
5. The current scope of what is under the purview of the DCB overlaps with the duties of the RPC. Both bodies are currently required to review proposed projects for consistency with the LCP. Having two bodies performing similar duties is inefficient and can result in potentially inconsistent actions.
6. The current timing of the DCB review has resulted in delays in the land use entitlement process, because an applicant cannot submit an application for a CDP to DRP until the DCB approves the site plans, which can take a number of months depending on the complexity of the project.
7. On September 26, 2006, the Board requested that the RPC present recommendations to the Board on an LCP amendment that would modify the role of the DCB in reviewing projects in the Marina del Rey planning area.
8. Public testimony in both written and verbal form has been considered in revising the text of the proposed LCP amendment.
9. The amendment modifies the scope of the DCB's review and clarifies the respective obligations of the DCB and those of the RPC. The Board finds that the DCB should review projects for visual compatibility with the Marina, including architecture, landscaping, and signage, and for consistency with the Specifications and Minimum Standards of Architectural Treatment and Construction, as amended on October 17, 1989, the Statement of Aims and Policies, dated February 17, 1987, and the Revised Permanent Sign Controls and Regulations, dated September 1971, found in Appendix C of the certified LIP.
10. The amendment also modifies the time at which the DCB conducts its review. The amendment provides that the DCB must complete a conceptual review on a proposed project and make recommendations on the application to the RPC within 90 days of a CDP application being filed with DRP. The RPC, in turn, would be required to consider any DCB comments and recommendations in its review of the CDP application. The amendment also provides that the DCB would conduct a final review of the architectural design (e.g., materials, colors, landscaping, and signs) that would take place after the RPC has made its final decision on a project's land use entitlements and site plan.

11. The amendment retains the DCB's invaluable role in reviewing the architectural design of development proposals in Marina del Rey and provides for the DCB to provide its input to the RPC in a timely fashion.
12. The amendment is procedural in nature and will not have a significant effect on the environment, and has been determined to be exempt from the California Environmental Quality Act (section 15061 (b) (3)).
13. This amendment qualifies as a minor amendment pursuant to Title 14 California Code of Regulations section 13554 because the reorganization of the Land Use Plan provisions does not change the kind, location, intensity, or density of use for any property and the revised procedures in the Specific Plan clarifying the roles of the DCB's and the RPC's review of coastal development permit applications is consistent with the Coastal Act.
14. The County complied with Public Resources Code section 30514 because it gave appropriate public notice of the amendment, made copies of the amendment available for public review, and accepted public comments at the RPC and Board of Supervisors hearing.
15. The amendment does not have any impact, individually or cumulatively, on coastal resources and is otherwise consistent with the policies of Chapter 3 of the Coastal Act.

THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS:

1. Finds that the proposed Marina del Rey Local Coastal Program amendment is procedural in nature and is an exempt project under the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guideline section 15061(b)(3).
2. Finds that the proposed Local Coastal Program amendment is consistent with the California Coastal Act;
3. Certifies its intent to carry out the amended Local Coastal Program, consisting of both the Land Use Plan and Local Implementation Program, in full conformity with the California Coastal Act;
4. Finds that the proposed Local Coastal Program amendment is de minimus or minor in nature and recommends that the Executive Director of the California Coastal Commission so find upon submittal of the proposed amendment to the Executive Director by the County of Los Angeles.

5. Indicates its intent to adopt the proposed Marina del Rey Local Coastal Program amendment, consisting of an amendment to the Land Use Plan, as set forth in the attached Exhibit A, and revisions to the Marina del Rey Specific Plan, as set forth in the attached Exhibit B, and indicates that it will take formal action to adopt the amendment following approval by the California Coastal Commission.
6. Instructs the Department of Regional Planning to transmit the Marina del Rey Local Coastal Program amendment to the California Coastal Commission for approval.

The foregoing resolution was on the ____ day of _____, 2007, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board also acts.

SACHI A. HAMAI, Executive Officer-
Clerk of the Board of Supervisors of the
County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel

By  _____
Deputy

EXHIBIT A

PROPOSED AMENDMENTS TO MARINA DEL REY LAND USE PLAN

(Note: additions are shown in underlining and deletions are shown in ~~strikethrough~~.)

Section C. New Development Policy

8. Land Use Plan

e. Policies and Actions

Part 1 – Written Policy

...

Land Development Entitlement Procedures (pages 8-8 & 8-9)

...

6. Design Control Board. The Design Control Board, appointed by the Board of Supervisors, shall review all new development proposals, including renovations, for consistency with the ~~Manual for Specifications and Minimum Standards of Architectural Treatment and Construction, the Statement of Aims and Policies and the Revised Permanent Sign Controls and Regulations, and the certified LCP, including the identity and accessibility of the Marina as a public boating and recreational facility, and shall recommend such modifications to the design as they deem appropriate.~~

~~Such review shall be completed prior to any application for development being submitted to the Department of Regional Planning for case processing.~~

The Design Control Board shall conduct a conceptual review of the architectural design (i.e. building and façade design) and site planning during the Coastal Development Permit process. Any Design Control Board recommendations to the Regional Planning Commission or Hearing Officer shall be submitted in a timely fashion. Following the Regional Planning Commission's or Hearing Officer's action on Coastal Development Permits, the Design Control Board will have final review of architectural design (i.e. building and façade design, materials, colors), landscaping and signs based on the site plan approved by the Regional Planning Commission or Hearing Officer.

7. Entitlement Process. The Regional Planning Commission or Hearing Officer shall be responsible for determining consistency of development proposals with the LCP through the Coastal Development Permit process. All applications for development on a specific parcel shall provide evidence of consistency with all of the following: 1) the access and recreation policies of the Coastal Act and this LCP, including the identity and accessibility of the Marina as a public boating and recreational facility and 2) all policies and development standards in the certified LCP, including the amount of development potential allocated to the Development Zone in which the parcel is located, and the principal principle ~~permitted~~ land use assigned to that parcel, permitted in the Waterfront Overlay Zone, or identified in the LCP as compatible uses that may be allowed, subject to a grant of a Conditional Use Permit.

Actual entitlement to develop a new use, or to change or expand an existing use on a given parcel shall be determined by the Regional Planning Commission or the Hearing

Officer through the Coastal Development Permit process as contained in Part 17 of Chapter 22.56 of Title 22 (Planning & Zoning) of the Los Angeles County Code which may culminate in either granting, denying or conditionally approving conditional approval of a Coastal Development Permit, including the site plan. This process shall analyze all applicable policies of this LUP, the County-wide General Plan, and Title 22 (Planning & Zoning) of the Los Angeles County Code, and shall consider any recommendations made by the Design Control Board in determining the design, location, and intensity of development on a specific parcel. This process also shall determine the extent of off-setting mitigation measures that shall be required of an applicant. All approvable development shall include modifications to ensure consistency with all policies and development standards of the certified LCP.

...

9. Coastal Visual Resources (pages 9-4 & 9-5)

e. Policies and Actions

...

4. Design Control Board Scope of Review Authority. Architectural design (i.e. building and façade design, materials, colors), landscaping, signs and site planning ~~Signing, building design, site planning and façade design~~ in the existing Marina shall continue to be reviewed ~~controlled~~ by the Marina del Rey Design Control Board in accordance with the revised Statement of Aims and Policies, ~~The Design Control Board shall review all new development proposals, including renovations, for consistency with the policies and objectives of this LCP and shall recommend such modifications to the design as they deem necessary. Such review and a report of the Board's deliberations shall be completed prior to any application for development being submitted to the Department of Regional Planning for case processing. In reviewing signs, the Design Control Board may refer to the Permanent Sign Controls and Regulations of September 16, 1971, as amended on July 19, 1973, and the Specifications and Minimum Standards of Architectural Treatment and Construction of this certified LCP. (Note: The relevant parts of these two documents are found on pages 1 through 15 and 27 through 70 of Appendix C of the LIP. It should be noted that pages 16 through 26 of Appendix C, referring to land use and height standards, shall not govern redevelopment in Marina del Rey.)~~ The Design Control Board will have final review of architectural design (i.e. building and façade design, materials, colors), landscaping and signs based on the site plan approved by the Regional Planning Commission or Hearing Officer.

~~All approvable development shall include modifications to ensure consistency with all policies and development standards of the certified LCP.~~

Marina del Rey_LCP_Plan_DCB_amnd (Nov. 6, 2006)

EXHIBIT B

ORDINANCE NO. _____

An ordinance amending Title 22 - Planning and Zoning of the Los Angeles County Code, to revise and clarify the provisions of the Marina del Rey Specific Plan relating to the responsibilities of the Regional Planning Commission and the Small Craft Harbors Design Control Board.

The Board of Supervisors of the County of Los Angeles hereby ordains as follows:

SECTION 1. Section 22.46.1060 is hereby amended to read as follows:

22.46.1060 Communitywide design guidelines.

Communitywide design guidelines concern several areas. These areas include landscaping, signs, site design, planning, and architectural treatment. These guidelines are considered to be mandatory when the word "shall" is used and are permissive when the word "may" is used. Developments shall be analyzed for conformance with this Specific Plan and with the identity and accessibility of the Marina as a public boating and recreational facility through the coastal development permit process. The analysis shall address, at a minimum, public access, height, circulation, massing, visual impact, views and view corridors, compatibility of uses in a mixed use project, and the visibility and convenience of public spaces as they pertain to the policies of this LCP. During the coastal development permit process, the regional planning commission or hearing officer shall require modifications to development proposals where necessary to achieve consistency with the LCP.

A. Landscaping. Landscaping shall include trees and shrubbery, with adequate ground cover to protect the soil. Landscaped borders used to shield obtrusive uses shall have a minimum width of eight feet and shall consist of vegetation of sufficient density to hide the use. Landscaping along site perimeters shall have a minimum width of eight feet and shall allow visual access into the lot, except where the landscaping is being used to screen an obtrusive use. These standards shall be implemented in a manner consistent with all other provisions of the certified LCP to encourage unique site design. Layout, components, and quantity of landscaping for development in the existing Marina shall be subject to approval by the design control board.

B. Lot Coverage. Lot coverage by buildings, shall be limited as otherwise restricted in the Specific Plan, and shall not exceed 90 percent of the net lot area; a minimum of 10 percent of the net lot area shall be landscaped. ~~Layout, components and quantity of landscaping for development in the existing Marina shall be subject to approval by the design control board.~~

...

E. ~~Site Design~~Planning and Architectural ~~Treatment~~Design. Site ~~design~~planning and architectural ~~treatment~~design include such elements as structural height, bulk, spacing, on-site open space, facade design, materials, and colors.

1. ~~Site Design~~Planning. Planes of the exterior building walls should vary in depth and/or direction to avoid bulk and monotony, and should relate closely to

the pedestrian promenade. Building placement and design shall avoid long, continuous blocking of water views.

...

4. Architectural ~~Treatment~~Design. Among other important objectives, good ~~site~~architectural design is essential in maintaining compatibility among adjacent land uses and preserving important public amenities such as view corridors and scenic vistas. Balconies, terraces, and patios are encouraged. Outdoor dining facilities which do not interfere with public accessways are also encouraged to take advantage of water views and scenic vistas throughout Marina del Rey in those areas where restaurants are allowed by this Specific Plan; such facilities shall comply with the public view and public access provisions of this Specific Plan and the provisions of subsection G of Section 22.28.070. ~~Specific design review within the existing Marina is the responsibility of the design control board's Statement of Aims and Policies, dated February 17, 1987 found in Appendix C of the Certified LIP.~~

...

6. Communitywide design guidelines ~~are established and administered by the design control board of the department of beaches and harbors~~ shall be followed by the regional planning commission and hearing officer during the coastal development permit process. The design control board shall continue to review architectural designs and site plans, and may make recommendations to the regional planning commission and hearing officer for development projects in the existing Marina pursuant to Section 22.46.1110.

...

SECTION 2. Subsection C of Section 22.46.1090 is hereby amended to read as follows:

22.46.1090 Land use monitoring and phasing.

...

C. Development Limitations and Phasing. Specific monitoring criteria for development phasing are described as follows:

...

6. Conversion.

...

d. ~~The design control board shall review the site plans of~~
converted or mixed uses shall be reviewed during the coastal development permit process to assure that the design will enhance compatibility of the uses with each other and with adjoining uses. The ~~board~~ site plans shall ~~consider~~ show massing, public access and views, pedestrian and automobile traffic patterns, convenience of loading and trash hauling, and the separation of public and residential routes and entrances of the building as they relate to the project's consistency with the LCP. ~~The design control board shall consider and adopt a written report and/or provide marked plans to illustrate its conclusions relating to the project's consistency with its guidelines and the LCP.~~
Design changes necessary to assure compliance with the access, visual quality, recreation, and other policies of this LCP shall be incorporated into the coastal development permit as conditions of development.

SECTION 3. Section 22.46.1110 is hereby amended to read as follows:

22.46.1110 Review of new development.

All development in Marina del Rey shall require a coastal development permit, processed in accordance with Part 17 of Chapter 22.56 of this Title 22. At the public hearing conducted by the regional planning commission or hearing officer, any recommendations submitted by the design control board pursuant to subsection D shall be considered. Development shall be approved if a finding is made that the development conforms to the certified LCP, and for projects between the first public road and the sea, also conforms to the access and recreation policies of the California Coastal Act.

A. Development in Marina del Rey shall be assessed during the coastal development ~~review~~permit process to identify the development's impacts and needs associated with the public's right to recreational access to and along the waterfront, including how on-site open space and project features facilitate public uses. The conditions imposed by the county upon such developments shall reasonably relate to the impacts and needs of the affected development and related development. The conditions shall be those which are necessary to alleviate all significant adverse direct and cumulative impacts including those needs identified in the development assessment process. Therefore, the provisions in the Specific Plan relating to compulsory dedication of shoreline access shall be implemented on a case-by-case basis, and appropriate findings supported by substantial evidence shall be adopted by the local agency to support such conditions. The conditions shall substantially advance

a legitimate state interest, without denying a lessee or owner economically viable use of the land.

...

D. Design Control Board. The design control board, appointed by the board of supervisors, shall review all new development proposals, including renovations, for consistency with the Specifications and Minimum Standards of Architectural Treatment and Construction, as amended on October 17, 1989; the Statement of Aims and Policies, dated February 17, 1987; and the Revised Permanent Sign Controls and Regulations, dated September 1971, found in Appendix C of the certified LIP.

1. The design control board shall conduct a conceptual review of all new development proposals, including renovations, concurrently with the coastal development permit process. The conceptual review shall analyze the architectural design (i.e., building and façade design) and site planning of the proposed development. Any recommendations, including a written report and/or marked plans, to illustrate its conclusions relating to the project's architectural design (i.e., building and façade design) and site planning shall be submitted by the design control board to the regional planning commission or hearing officer within 120 days of the filing of a coastal development permit application.

2. Following the regional planning commission's or hearing officer's action on coastal development permits, the design control board will have final review of architectural design (i.e., building and façade design, materials, colors), landscaping,

and signs based on the site plan approved by the regional planning commission or hearing officer.

SECTION 4. Subsection A of Section 22.46.1180 is hereby amended to read as follows:

22.46.1180 Filing requirements.

A. An application for new development shall contain the following information. In the case of an application for a coastal development permit, the information shall be in addition to the material required in Section 22.56.2310 relating to coastal development permits.

. . .

12. ~~Site Plan Review Within the Existing Marinas.~~ All applications for development in the existing Marina shall include accurate, scaled site plans and elevations, showing gross square footage of existing and proposed development, parking, and parking requirements, as well as access and view corridors required by this certified LCP. ~~These site plans and elevations shall be signed and approved by the design control board.~~

a. The design control board shall ~~review the development for conformance of the project with this Specific Plan and with the identity and accessibility of the marina as a public boating and recreational facility. The board's analysis shall address, at a minimum, public access, height, circulation, massing, visual impact, views, and view corridors, compatibility of uses in a mixed use project, and the visibility and convenience of public spaces as they pertain to the policies of this LCP. The design~~

~~control board shall adopt a written report and/or exhibits describing their analysis and recommendations. The design control board, as a condition of its approval, may require the applicant to return with final plans for approval of signage, landscaping, color and other details.~~ receive site plans for its review pursuant to the provisions of Section 22.46.1110.

...

17. Materials relating to review by the design control board. The applicant must provide documentation that a complete application for the proposed development, consisting of schematic plans, drawings, fees, etc., as required by the Specifications and Minimum Standards of Architectural Treatment and Construction, has been submitted to the department of beaches and harbors for expeditious delivery to, and conceptual review by, the design control board.

SECTION 5. Subsection A of Section 22.46.1190 is hereby amended to read as follows:

22.46.1190 Conditions of approval.

A. The following conditions shall be imposed, where applicable, for development in Marina del Rey.

...

9. New roads and infrastructure shall be designed and constructed in an environmentally sensitive manner, and shall follow the design and recreation policies of the certified LCP, ~~including landscaping standards required by the Design Control Board.~~

...

16. The design control board will have final review of the architectural design (i.e., building and façade design, materials, colors), landscaping and signs based on the site plan approved by the regional planning commission or hearing officer.

...

SECTION 6. Subsection A of Section 22.46.1200 is hereby amended to read as follows:

22.46.1200 Land use category use restrictions and development standards--Purpose.

A. The following use restrictions and development standards shall apply to land use categories in this Specific Plan area. All land use categories are subject to the design guidelines and phasing requirements provided for in Sections 22.46.1060 and 22.46.1090 of this Specific Plan. Land use categories extend beyond the parcel boundary line to the centerline of the street(s) bordering the parcel. Development on a parcel must also conform to the Site-Specific Development Guidelines of this Specific Plan. As used in these Land Use Restrictions and in the site-specific guidelines, the word "shall" means a requirement is mandatory whereas the word "may" means the standards are encouraged but not imperative. Where site-specific guidelines found in Section 22.46.1790 or the conditions of development found in Section 22.46.1190 differ from the regulations of these Land Use Restrictions and Development Standards, such site-specific standards and conditions of development shall supersede the land use category regulations listed below. ~~All development in the existing Marina is subject to~~

~~the review of the design control board of the department of beaches and harbors.~~ If there is a conflict among these development standards, the more restrictive document shall control.

. . .

SECTION 7. Subsection F of Section 22.46.1780 is hereby amended to read as follows:

22.46.1780 Site-Specific Development Guidelines--Purpose.

. . .

F. All parcels are subject to the phasing requirements outlined in Section 22.46.1090 of this Specific Plan. In addition, all parcels must conform to the Use Restrictions and Development Standards and to these site-specific guidelines. ~~Finally, development on all parcels in the existing Marina is subject to the review of the Design control board.~~ As used in these land use restrictions and in the site-specific guidelines, the word "shall" means a requirement is mandatory whereas the word "may" means the standards are encouraged but not imperative. Where site-specific guidelines found in Sections 22.46.1790 through 22.46.1940, or the conditions of approval found in Section 22.46.1190 differ from the land use category regulations and development standards listed in Section 22.46.1200, above, such site-specific standards and conditions of development shall supersede the land use category regulations. If there is a conflict among these development standards, the more restrictive document shall control.

. . .